IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7684 OF 2005

Smt. Chandrikaben H.
Kotecha . .. Petitioner.

vs.

Paurnima Builders. .. Respondent.

Mr. M.R. Katikar for petitioner.

Mr. A.L. Kumar for respondent.

CORAM : S.U. KAMDAR, J.

DATE : 20th December, 2005.

P.C.:

. By the present petition, the order passed by the trial Court rejecting the application for adding the examination-in-chief by additional affidavit has been challenged. In my opinion, the addition sought in the present case pertains to the court record of the suit itself. The record being part of the proceedings can be relied upon by the petitioner and it is not necessary that the record of the Court should be proved by oral evidence. Thus, there is no need to add any such evidence as set out in the application itself. In that view of the matter, the impugned order is not required to be interfered with except the clarification that the petitioner is at liberty to rely upon the record of the Court

proceedings in respect of his contention that he is not served with the amended plaint. Petition disposed of accordingly. No order as to costs.

. Parties to act on an ordinary copy of this order duly authenticated by the Private Secretary of this Court.